



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF A-A-A-A-

DATE: AUG. 11, 2017

APPEAL OF TEXAS SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a social protection specialist, seeks second preference immigrant classification as a member of the professions holding an advanced degree, as well as a national interest waiver of the job offer requirement attached to this EB-2 classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). After the petitioner has established eligibility for EB-2 classification, U.S. Citizenship and Immigration Services (USCIS) may, as matter of discretion, grant a national interest waiver if the petitioner demonstrates: (1) that the foreign national's proposed endeavor has both substantial merit and national importance; (2) that the foreign national is well positioned to advance the proposed endeavor; and (3) that, on balance, it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification. *Matter of Dhanasar*, 26 I&N Dec. 884 (AAO 2016).

The Director of the Texas Service Center denied the Form I-140, Immigrant Petition for Alien Worker, finding that the Petitioner qualified for classification as a member of the professions holding an advanced degree, but that she had not established that a waiver of the required job offer, and thus of the labor certification, would be in the national interest. The Director also denied a subsequent motion.

On appeal, the Petitioner argues that she is eligible for a national interest waiver based on the impact of her work and her influential contributions in the field of international socioeconomic development. In May 2017, we issued a request for evidence (RFE) asking the Petitioner to provide evidence satisfying the three-part framework set forth in *Dhanasar*. In response, the Petitioner provides further evidence and contends that she is eligible for a national interest waiver under the *Dhanasar* framework.

Upon *de novo* review, we will sustain the appeal.

**I. LAW**

To establish eligibility for a national interest waiver, a petitioner must first demonstrate qualification for the underlying EB-2 visa classification, as either an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Because this classification

requires that the individual's services be sought by a U.S. employer, a separate showing is required to establish that a waiver of the job offer requirement is in the national interest.

Section 203(b) of the Act sets out this sequential framework:

- (2) Aliens who are members of the professions holding advanced degrees or aliens of exceptional ability. –
  - (A) In general. – Visas shall be made available . . . to qualified immigrants who are members of the professions holding advanced degrees or their equivalent or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are sought by an employer in the United States.
  - (B) Waiver of job offer –
    - (i) National interest waiver. . . . [T]he Attorney General may, when the Attorney General deems it to be in the national interest, waive the requirements of subparagraph (A) that an alien's services in the sciences, arts, professions, or business be sought by an employer in the United States.

While neither the statute nor the pertinent regulations define the term “national interest,” we recently set forth a new framework for adjudicating national interest waiver petitions. *See Dhanasar*, 26 I&N Dec. 884.<sup>1</sup> *Dhanasar* states that after EB-2 eligibility has been established, USCIS may, as a matter of discretion, grant a national interest waiver when the below prongs are met.

The first prong, substantial merit and national importance, focuses on the specific endeavor that the foreign national proposes to undertake. The endeavor's merit may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. In determining whether the proposed endeavor has national importance, we consider its potential prospective impact.

The second prong shifts the focus from the proposed endeavor to the foreign national. To determine whether he or she is well positioned to advance the proposed endeavor, we consider factors including, but not limited to: the individual's education, skills, knowledge and record of success in related or similar efforts; a model or plan for future activities; any progress towards achieving the

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<sup>1</sup> In announcing this new framework, we vacated our prior precedent decision, *Matter of New York State Department of Transportation*, 22 I&N Dec. 215 (Act. Assoc. Comm'r 1998) (*NYSDOT*).

proposed endeavor; and the interest of potential customers, users, investors, or other relevant entities or individuals.

The third prong requires the petitioner to demonstrate that, on balance, it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification. In performing this analysis, USCIS may evaluate factors such as: whether, in light of the nature of the foreign national's qualifications or the proposed endeavor, it would be impractical either for the foreign national to secure a job offer or for the petitioner to obtain a labor certification; whether, even assuming that other qualified U.S. workers are available, the United States would still benefit from the foreign national's contributions; and whether the national interest in the foreign national's contributions is sufficiently urgent to warrant forgoing the labor certification process. In each case, the factor(s) considered must, taken together, indicate that on balance, it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification.<sup>2</sup>

## II. ANALYSIS

The Director found that the Petitioner qualifies as a member of the professions holding an advanced degree.<sup>3</sup> The sole issue to be determined is whether the Petitioner has established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest.

### A. Substantial Merit and National Importance of the Proposed Endeavor

The Petitioner proposes to continue her work as a senior social protection specialist at the [REDACTED]. In this role, she provides support to countries such as Egypt and Yemen through creation of social protection, labor, and community development policies and programs. In directing major flagship [REDACTED] funded operations, she will continue to lead multi-sectoral teams to design, negotiate, and supervise [REDACTED] funded projects with client governments. For example, the record includes a letter from [REDACTED] a social protection, labor, and jobs global practice manager at

<sup>2</sup> See *Dhanasar*, 26 I&N Dec. at 888-91, for elaboration on these three prongs.

<sup>3</sup> The Petitioner received a master of arts degree in economic and social studies from the [REDACTED] in 2000. In response to our RFE, she offers an academic credentials evaluation indicating that her degree is "the equivalent of a Master of Arts degree in Social Policy, from an accredited institution of higher education in the United States."

<sup>4</sup> The record includes information from the [REDACTED] website stating:

[REDACTED]

The mission of the [REDACTED]

(last visited Aug. 7, 2017), copy incorporated into the record of proceedings.

the [REDACTED] stating that since 2013 the Petitioner “has been leading the design, negotiations and supervision of the [REDACTED] largest investments in the Social Protection and Labor sector in Egypt (about U.S. \$700 million in total) and among the largest globally.” In addition, [REDACTED] a senior consultant and adviser to the [REDACTED] on operational policy matters, explains that the Petitioner’s projects and initiatives “strengthen democratic trends as the growth which improves people’s quality of life and reduces conflicts will lead to more stable economies.” We find that the Petitioner’s proposed work, which improves economic and social conditions in countries facing conflict and political transition, has substantial merit.

The record also demonstrates that the Petitioner’s proposed endeavor is of national importance. The Petitioner submits probative letters from experts in the field that describe the importance of her proposed work to U.S. foreign policy interests. For instance, [REDACTED] explains that failure to strengthen developing countries’ social infrastructure makes them vulnerable to socioeconomic crises and the rise of extremism.

The Petitioner also offers a letter from [REDACTED] a professor at [REDACTED] indicating that the Petitioner is “integrally involved in delivering a large scale targeted social safety net operation in Egypt” including a [REDACTED] loan of \$400 million which “was prepared and approved with [the Petitioner’s] leadership.” [REDACTED] asserts that the Petitioner’s multi-million dollar investment projects in Egypt advance U.S. foreign policy interests by promoting development in a country that is one of “the closest allies of the U.S.” in the Middle East.<sup>5</sup> The Petitioner also submits a March 2017 report from the Congressional Research Service (CRS) stating that “[t]he United States has provided significant military and economic assistance to Egypt since the late 1970s” and that the country has been important to “U.S. national security interests based on its geography, demography, and diplomatic posture.”

With respect to the Petitioner’s ongoing work involving Yemen, [REDACTED] senior country coordinator for the [REDACTED] at the [REDACTED] indicates: “[The Petitioner] is playing a major role in a broader [REDACTED] led international effort to support Yemen’s recovery and – in the shorter-term absence of a peace agreement – promote peace and security by addressing critical needs of Yemen’s vulnerable citizens including youth and women . . . .” [REDACTED] further states that “[t]he U.S. is currently funding social protection and crisis response interventions in Yemen utilizing the operations that [the Petitioner] led the design of as a [REDACTED] expert.” She adds that the “U.S. is parallel financing these operations with a budget of about \$6.1 million for the next year and based on confidence in the [REDACTED] efforts (largely due to [the Petitioner’s] leadership of these efforts) is considering mobilizing additional resources to help alleviate suffering in Yemen.” Lastly, [REDACTED] explains that the Petitioner’s proposed work will “build stability and resilience in Yemen to reduce the likelihood of threats to U.S. and global security interests.”

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<sup>5</sup> [REDACTED] notes that Egypt received \$200 million in U.S. Government assistance in 2014 and is “among the largest recipients of U.S. foreign aid for the last few decades.”

In addition, the Petitioner offers an [REDACTED] report indicating that the United States has “contributed more than \$327 million in humanitarian assistance to Yemen in fiscal year 2016.” The article further states that ensuring a stable government in Yemen will help protect U.S. commercial shipping in the [REDACTED] (a narrow waterway that separates Yemen and the Horn of Africa) and will serve U.S. national security interests by diminishing the likelihood of “an Iranian military presence in the Arabian Peninsula.”

The expert letters, reports from U.S. media and the [REDACTED] and additional information in the record demonstrate that the Petitioner’s proposed work to improve social and economic conditions in Egypt and Yemen serves U.S. foreign policy and national security interests. Furthermore, the multi-million dollar scale of her loan projects and initiatives will have broad economic and social implications internationally. “An undertaking may have national importance for example, because it has national or even global implications within a particular field” or if it offers “other substantial positive economic effects.” *See Dhanasar*, 26 I&N Dec. at 889-90. The evidence therefore establishes the national and international importance of the Petitioner’s proposed social protection work aimed at enhancing global stability. As the Petitioner has documented both the substantial merit and national importance of her proposed endeavor, she meets the first prong of the *Dhanasar* framework.

#### B. Well Positioned to Advance the Proposed Endeavor

The Petitioner submitted reference letters describing her expertise and record of success in her past work in the field of international development. As discussed above, the Petitioner’s work has supported client countries through projects involving economic development, peace building, and social programs. The record, including letters from colleagues and copies of her [REDACTED] reports, reflects that she has consistently played a leading role in the design and implementation of multi-million dollar social protection programs and international development projects, which were financed by the [REDACTED] and also received funding from the [REDACTED]. For example, [REDACTED] describes the Petitioner’s projects that were implemented in Yemen:

[The Petitioner] has pioneered the design of two major [REDACTED] funded operations in crisis response and promotion of peace in Yemen: [REDACTED] Project (U.S. 300 million); and [REDACTED] (U.S. \$200 million). The innovative and ground-breaking design of these operations enabled the [REDACTED] and [REDACTED] to channel funding and aid to Yemen – in implementation of U.S. foreign policy in Yemen – in an extremely challenging context.

As further evidence of the Petitioner’s progress in her endeavor, [REDACTED] notes that other government agencies have utilized the Petitioner’s work. She states that the Petitioner’s “work in Yemen is contributing to establishing a common approach among different donor agencies that are supporting [REDACTED]” Specifically, [REDACTED] indicates that [REDACTED] the [REDACTED] and the [REDACTED] “are following the design and approach of the [REDACTED] Project for their projects with [the] [REDACTED] [REDACTED]

In addition to discussing the Petitioner's "role in shaping Yemen's largest social safety net programs," [redacted] mentions "her leadership in the design and supervision of the [redacted] funded \$12.5 million [redacted] Project" which helped the Afghan Government "to protect poor families and reform its two national social protection programs." [redacted] country director of [redacted] programs in Afghanistan, adds that the Petitioner led the Afghan Government in its development of "systems of safety nets targeting the poor and providing them with income support while investing in their children's health" and "reforming the Public Sector Pension scheme and modernizing its systems."

Regarding the Petitioner's record of success in her social protection work in Egypt, [redacted] states:

[The Petitioner] was integrally involved in delivering a large scale targeted social safety net operation in Egypt (a program with an estimated annual budget of \$1.4 billion, of which a [redacted] loan of \$400 million was prepared and approved with [the Petitioner's] leadership). This program has been supporting a major shift in the thinking of social protection in an important (for purposes of U.S. interests) country like Egypt, whereby the Government is shifting away from expensive and inefficient energy subsidies into . . . well targeted and developmental social assistance programs . . .

Furthermore, [redacted] a country manager at the [redacted] indicates that the Petitioner "led a [redacted] delegation to . . . successful negotiations and approval of a U.S. \$400 million [redacted] loan to the Government of Egypt for financing a national social safety net program." [redacted] states that the Petitioner's "role in implementing this initiative helped stabilize the country by taking actions to address long-standing social grievances of economic deprivation and social and regional exclusion."

As detailed above, the significance of the Petitioner's past projects in the field is corroborated by documentation of peer and government praise for her work. In addition, she offered [redacted] reports indicating that projects she led have affected social programs and economic development in countries that are important to U.S. foreign policy and national security interests. The Petitioner's experience and expertise in her field and record of success contributing international development programs position her well to advance her proposed endeavor.

#### C. Balancing Factors to Determine Waiver's Benefit to the United States

As explained above, the third prong requires the petitioner to demonstrate that, on balance, it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification. The Petitioner possesses considerable experience and expertise in creating social protection, labor, and community development policies and programs. The record also demonstrates that her proposed work aimed at improving social and economic conditions in developing countries serves U.S. foreign policy and national security interests. The Petitioner has documented her past successes in pioneering multi-million dollar [redacted] projects involving economic development, peace building, and social programs. In addition, the large-scale funding of international development programs in which the Petitioner has played a leading role indicates that various government agencies

have found her work on those projects to be promising and useful. Based on the Petitioner's track record of success and the significance of her ongoing role in international development projects that advance U.S. interests, we find that she offers contributions of such value that, on balance, they would benefit the United States even assuming that other qualified U.S. workers are available.

### III. CONCLUSION

The Petitioner has met the requisite three prongs set forth in the *Dhanasar* analytical framework. We find that she has established eligibility for and otherwise merits a national interest waiver as a matter of discretion.

**ORDER:** The appeal is sustained.

Cite as *Matter of A-A-A-A-*, ID# 454100 (AAO Aug. 11, 2017)